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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,829	01/26/2001	Steven V. Kauffman	STL000046US1	2858
7590	03/23/2004		EXAMINER	
Ohlant Greeley Ruggiero & Perle LLP One Landmark Square 10th Floor Stamford, CT 06901-2682			ALAM, SHAHID AL	
			ART UNIT	PAPER NUMBER
			2172	
DATE MAILED: 03/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

11

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Shahid Al Alam
Primary Examiner
Art Unit: 2172

Office Action Summary	Application No.	Applicant(s)	
	09/774,829	KAUFFMAN, STEVEN V.	
	Examiner Shahid Al Alam	Art Unit 2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5-16,18-29 and 31-39 is/are rejected.
- 7) Claim(s) 4,17 and 30 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Specification

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

The Examiner is requesting to submit detail information from this Web site.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 14 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Examiner could not find any description as to the meaning of "generating a search engine."

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 3, 5 – 16, 18 – 29 and 31 – 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication, "Logical Information Modeling of Web-Accessible Heterogeneous Digital Assets," Shah et al., Proceedings of the 1998 IEEE International Conference on research and Technology Advances in Digital Libraries, April, 1998, USA, pages 266-275, hereinafter "Shah" in view of U. S. Patent No. 6,311,194 issued to Amit Sheth et al., (hereinafter "Sheth").

With respect to claim 1, Shah teaches a method of creating a database (page 268; Fig. 1, col. 1, par. 3; "Metabase" that stores persistent RDF or Resource Description Framework objects is a database) in a data store connected to a computer, the method comprising:

receiving a system description (Page 268; Fig. 1, "Encapsulator" receives the web information artifacts, processes and models the artifacts into RDF objects; see col. 1, 2nd par., RDF objects are system descriptions) of a structure of the database to be created;

generating the structure (Fig. 2 and Fig. 3; MREF, as described in page 270, col. 1, par. 1, and in col. 2, par. 3, is considered the structure as claimed) for the database based on the system description; and

generating system descriptions, wherein the descriptions are stored and located (the Metabase provides a level of abstraction for searching the Web; page 270, col. 1, Par. 3-5; in par. 3: "...search engines try to impose some sort of an order by building indices on top of the web artifacts ...").

In Shah, the RDF objects are used to present information at a higher semantic level in conjunction with known standards such as XML. MREF layer that sits on top of the RDF layer (see page 270, col. 2, Fig. 3) enhances the abstraction of information in terms of location and media independence. Shah does not explicitly indicate that the Metabase is a "custom database" and also in the step of "generating a search engine based on the system description, wherein the search engine stores and locates data in the custom database" does not explicitly indicate that the data stored in the metabase is being utilized for "generating a search engine" as claimed.

Shah, in page 270, col. 1, par. 3, discusses the role of a Web crawler and/or a search engine to utilize an index that should be built on top of the web artifacts. To facilitate searching of information artifacts that are coming from a plurality of heterogeneous sources, Shah suggests a location-independent, media-independent and content-dependent method of correlating resources (page 270, col. 1). Then Shah teaches MREF that can be stored in and supplied by a separate and dynamically constructed metadata directory (page 272, col. 2, par. 1 and 2).

Therefore, as to the step of "generating a search engine based on the system description, wherein the search engine stores and locates data in the custom database", Shah does not explicitly indicate that the metabase is a custom database.

Sheth teaches a similar metabase (see abstract, col. 4, lines 55) in conjunction with a WorldModel (col. 4, lines 64-67) that provides the customization (col. 8, lines 57-58) sought by the claimed invention.

Sheth discloses the extraction of XML assets from and send the assets to a Metabase Agent. Sheth's extraction of XML assets is similar to the generation of MREF objects in Shah (see Sheth Fig. 6, col. 10, lines 43-55).

With respect to claim 1, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Shah and Sheth because : (i) both Shah and Sheth are analogous art and have a common author, Sheth; (ii) the combination Shah and Sheth would have facilitated a better semantics between various heterogeneous information sources of the Web (col. 4, lines 46; Sheth), and (iii) the combination would have improved the scalability of a system that deals with heterogeneous information sources (col. 4, lines 33-44; Sheth). In other words, both Shah and Sheth teach the extraction of information from heterogeneous resources, however, the incorporation of Sheth in Shah would have facilitated the formation of a custom database because Sheth is explicit about the necessity of customizing the extracted information according to users' needs (see Sheth, col. 8, lines 56-58).

As to claim 2 (the method of claim 1, further comprising generating a user interface to access the custom database), Shah teaches the generation of user interface (page 270, col. 2, 3rd par. "MREF template"; page 272, col. 2, par. 1).

As to claim 3 (the method of claim 1, further comprising modifying the system description and generating a new structure and search engine that are transparent), Shah generates a search engine that is transparent because Shah teaches the independence of locations and media (page 270, col. 1, par. 5).

As to claim 5 (the method of claim 1, wherein the structure stores data to form a relational database) Shah teaches relational databases (page 267, col. 2, par. 3).

As to claim 6 (the method of claim 1, wherein the system description comprises a markup language file), Shah teaches the use of XML (page 270, col. 2, par. 2).

As to claim 7 (the method of claim 6, wherein the markup language file comprises an extensible markup language (XML) document, see Shah, page 270, col. 2, par. 2).

As to claim 8 (the method of claim 7, wherein the XML document is created using a text editor), Sheth teaches a means that is equivalent to a text editor in Fig. 7-9, and in col. 11, line 57 through col. 12, lines 9; "ability to modify extracted text (append, prepend, replace))".

As to claim 9 (the method of claim 7, wherein the XML file is created using a graphical user interface), Fig. 6-9 in Sheth and page 271-272 of Shah show XML files.

As to claim 10 (the method of claim 1, wherein the search engine locates data within the custom database).

As to claim 11 (the method of claim 1, wherein the search engine comprises a text search engine), Shah teaches a search engine that implements keyword search (page 270, col. 1, par. 3).

As to claim 12 (the method of claim 1, wherein the search engine comprises a high level language) and claim 13 (the method of claim 12, wherein the high level language comprises Java), Sheth teaches that the software components such as Metabase Agent, Extractor, Web crawler may be implemented utilizing JAVA programming language (Sheth, col. 17, lines 23-25).

Each of the limitations recited in claims 14 – 16, 18 – 29 and 31 – 39 have been addressed in details in the rejection of claims 1 – 3 and 5 – 13.

Claims 14 – 16 and 18 – 26 are essentially the same as claims 1 – 3 and 5 – 13 except that they set forth the claimed invention as an apparatus rather than a method. Claim 14 is directed to a computer that is capable of executing a program that, when executed, performs the steps of claim 1. Software can be loaded in a general-purpose computer to program it and to turn it into a specific machine. Once the software is loaded and the program is executed, the computer is capable of performing the steps of a method as per program instructions. Claims 14 – 16 and 18 – 26 are therefore rejected for the same reasons as applied to claims 1 – 3 and 5 – 13 above.

Claims 27 – 29 and 31 – 39 are essentially the same as claims 1 – 3 and 5 – 13 or 14 – 16 and 18 – 26 except that they set forth the claimed invention as a computer program product rather than a method or apparatus. Claim 27 is directed to an article of manufacture or a computer program product that can be loaded in a general-purpose computer to program it and to turn it into a specific machine. Once the software is loaded and the program is executed, the computer is capable of performing the steps of a method as per program instructions. Claims 27 – 29 and 31 – 39 are therefore rejected for the same reasons as applied to claims 1 – 3 and 5 – 13 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 3, 5 – 16, 18 – 29 and 31 – 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,343,297 issued to James D'Anjou et al., (hereinafter "D'Anjou") and in view of U. S. Patent No. 6,311,194 issued to Amit Sheth et al., (hereinafter "Sheth").

With respect to claim 1, D'Anjou teaches a method of creating a database (column 3, lines 18 – 22 and 41 – 54) in a data store connected to a computer, the method comprising:

receiving a system description of a structure of the custom database to be created and generating the structure for the custom database based on the system description (column 8, lines 5 – 16).

D'Anjou does not explicitly teach the step of generating a search engine based on the system description, wherein the search engine stores and locates data in the custom database as claimed.

Sheth teaches a **metabase** (see abstract, col. 4, lines 55) in conjunction with a WorldModel (col. 4, lines 64-67) that provides the customization (col. 8, lines 57-58) sought by the claimed invention.

Sheth discloses the **extraction** of XML assets from and send the assets to a Metabase Agent (see Sheth Fig. 6, column 10, lines 43 – 55 and column 12, lines 34 - 39). Sheth also discloses extractor are program that are designed to find information (column 11, lines 12 – 13).

With respect to claim 1, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine D'Anjou and Sheth because : (i) both D'Anjou and Sheth are analogous art; (ii) the combination Shah and Sheth would have facilitated a better semantics between various heterogeneous information sources of the Web (column 4, lines 46; Sheth), and (iii) the combination would have improved the scalability of a system that deals with heterogeneous information sources (column 4, lines 33 – 44; Sheth). In other words, both D'Anjou and Sheth teach the extraction of information from heterogeneous resources, however, the incorporation of Sheth in D'Anjou would have facilitated the formation of a custom database because Sheth is explicit about the necessity of customizing the extracted information according to users' needs (see **Sheth, col. 8, lines 56-58**).

As to claim 2, generating a user interface to access the custom database (column 15, lines 12 – 29; Sheth).

As to claim 3, modifying the system description and generating a new structure and search engine that are transparent (Sheth teaches the independence of locations and media; see column 7, lines 37 – 41).

As to claim 5, the structure stores data to form a relational database (column 8, lines 47 – 52; Sheth).

As to claim 6, the system description comprises a markup language file (column 7, lines 27 – 29; Sheth).

As to claim 7, the markup language file comprises an extensible markup language (XML) document (column 8, lines 47 – 49 and column 10, lines 43 – 45; Sheth).

As to claim 8, the XML document is created using a text editor (Sheth teaches a means that is equivalent to a text editor in Fig. 7-9, and in col. 11, line 57 through col. 12, lines 9; “ability to modify extracted text (append, prepend, replace))”.

As to claim 9, the XML file is created using a graphical user interface (Figures 6 – 9 in Sheth).

As to claim 10, the search engine locates data within the custom database (column 10, lines 43 – 54; Sheth).

As to claim 11, the search engine comprises a text search engine (column 11, lines 12 – 22; Sheth).

As to claim 12, the search engine comprises a high level language and claim 13 the high level language comprises Java (Sheth teaches that the software components such as Metabase Agent, Extractor, Web crawler may be implemented utilizing JAVA programming language (Sheth, col. 17, lines 23-25).

Each of the limitations recited in claims 14 – 16, 18 – 29 and 31 – 39 have been addressed in details in the rejection of claims 1 – 3 and 5 – 13.

Claims 14 – 16 and 18 – 26 are essentially the same as claims 1 – 3 and 5 – 13 except that they set forth the claimed invention as an apparatus rather than a method. Claim 14 is directed to a computer that is capable of executing a program that, when executed, performs the steps of claim 1. Software can be loaded in a general-purpose computer to program it and to turn it into a specific machine. Once the software is loaded and the program is executed, the computer is capable of performing the steps of a method as per program instructions. Claims 14 – 16 and 18 – 26 are therefore rejected for the same reasons as applied to claims 1 – 3 and 5 – 13 above.

Claims 27 – 29 and 31 – 39 are essentially the same as claims 1 – 3 and 5 – 13 or 14 – 16 and 18 – 26 except that they set forth the claimed invention as a computer program product rather than a method or apparatus. Claim 27 is directed to an article of manufacture or a computer program product that can be loaded in a general-purpose computer to program it and to turn it into a specific machine. Once the software is loaded and the program is executed, the computer is capable of performing the steps of a method as per program instructions. Claims 27 – 29 and 31 – 39 are therefore rejected for the same reasons as applied to claim 1 – 3 and 5 – 13 above.

Allowable Subject Matter

6. Claims 4, 17 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (703) 305-2358. The examiner can normally be reached on Monday-Thursday 8:00 A.M. - 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Shahid Al Alam
Primary Examiner
Art Unit 2172